

SUBJECT No. 91.

Re-organizing and improving the machinery for the administration of civil justice.

Messrs. Belur Srinivasa Iyengar, Bangalore Taluk; N. V. Narayanamurthi, Arya Vasiya Mahasabha, Bangalore City and C. Krishnamurthi, Law Association, Bangalore.

Summary of Representation.—Repeated complaints have been made that the existing machinery for the administration of civil justice is inadequate with the result that inordinate delay is caused in the disposal of civil suits. The increase in the number of Munsiffs' Courts is urgently required. The income from the court fee stamps may be utilised for this purpose if the sound policy of contributing from the general funds adopted in other countries is not followed. Financial stringency cannot be pleaded in the case of courts, as all Munsiffs' Courts are earning. We therefore pray for the increase of courts and better payment to the staff.

Mr. C. Krishnamurthi was not agreeable to the increase in the number of courts and said that the delay was due to inherent defects in the system. He suggested the constitution of a committee consisting of 2 judges and 2 or 3 non-officials with a Judge of the Chief Court as the Chairman, to collect evidence and suggest ways to prevent the work from falling into arrears. He also suggested that when the Judges of the Chief Court had no work, they must be deputed to work in the courts where the work had fallen into arrears. Direct recruitment to a place in the Chief Court was also urged by him as it will act as an incentive.

Reply of Government.—The suggestion will be noted.

SUBJECT No. 92.

Separation of judicial and executive functions.

Messrs. A. Srikanthappa, Bangalore District Board; C. Krishnamurthi, Law Association, Bangalore; Hampiah, Sidlaghatta Municipality; G. Girmaji Rao, Kolar Taluk; Yusuff Khan, Chikballapur Municipality; K. Subba Rao, Maddur Municipality; C. Krishna Rao, Tumkur District Board; and Abdul Nabi Khan Sahib, Tumkur Municipality.

Summary of Representation.—The scheme for the separation of the judicial and executive functions may be extended to the remaining four districts, as magistrates who attend to revenue work also cannot attend to criminal work promptly.

Reply of Government.—The scheme will be extended gradually when funds permit. The question will be considered at the next budget time.

SUBJECT No. 93.

Withdrawal from the civil courts of the power of reducing rate of interest in certain cases.

Mr. S. Krishnaswami Rao, Mysore Taluk.

Summary of Representation.—In certain cases such as loans and leases, the civil courts are authorised to reduce the rate of interest agreed upon previously. This causes loss and inconvenience to the plaintiff while the defendant is encouraged to gain time by bringing in false evidence. It is therefore prayed that Government may either withdraw the power from the civil courts to reduce the rate of interest in all cases or require the civil courts to state satisfactorily the reasons for reducing the rate of interest.

Mr. L. Vema Reddy stated that it was the poor people who borrowed and that as sometimes it so happened that a higher rate was mentioned in a document than the rate actually agreed upon, courts should have discretion to prevent people from being ruined.

Reply of Government.—The proposal cannot be entertained.

Summary of Representation.—There is inordinate delay in the disposal of civil suits. An order may be made that enquiries should be commenced in all civil suits within six months from the date of their institutions and their disposal ensured within one year. It may also be ordered that interest on the plaint amount at the rate specified in the deed or at the rate of one per cent per mensem has to be paid in case the delay is due to the previous objections raised by the defendants. To minimise the difficulty and loss caused by long delay in the disposal of cases, arrangements may be made to have the cause-lists prepared and sent to lawyers two months before the date of hearing as is done in the Chief Court.

Mr. S. Venkatesiah said that the delay was due to the non-service of processes and that a programme as in the Bombay Presidency may be prepared for serving processes.

Reply of Government.—Instructions have recently been issued and it is expected that disposal will be expedited. Government will, however, be glad to have the suggestions of the member in black and white.

Summary of Representation.—Interest at stipulated rates may be allowed from the date of the institution of the suit to the date of decree and thenceforward at 6% per annum on the full amount of decree.

Reply of Government.—Government see no reason to change the existing law on the subject.

Summary of Representation.—Great delay is caused in the disposal of civil suits. Even after disposal, plaintiffs do not receive the amount which the defendants have deposited in courts. Sometimes the delay is over 2 years causing a good deal of loss and inconvenience to plaintiffs. It is therefore prayed that a time limit should be fixed within which such amounts should be paid to the plaintiffs.

Reply of Government.—If specified instances of such delay are brought to notice, they will be enquired into.

Summary of Representation.—Records have to be printed whatever the volume may be and this will mean an addition to the contemplated increase in court fees and witness *batta* with the result that people cannot afford to appeal. In the Bangalore Division, appeal is direct to the Chief Court and it means printing charges.

Mr. H. Krishnappa said that typing and printing were convenient to all parties, including lawyers and judges. He further said that it was only in the Chief Court

SUBJECT NO. 94.

Prompt disposal of civil suits and payment of interest to plaintiffs on the plaint amount.

Messrs. Sati Halappa, Chitaldrug Taluk; S. H. Gundappa, Patel Balegowda, Kunigal Taluk and G. S. Murigappa, Gubbi Taluk.

SUBJECT NO. 95.

Rates of interest during pendency of and after decree in suits.

Mr. Abdul Nabii Khan Sahib, Tumkur Municipality.

SUBJECT NO. 96.

Time limit for the payment of sums due to plaintiffs in respect of decrees obtained by them against defendants.

Mr. Sati Halappa, Chitaldrug Taluk.

SUBJECT NO. 97.

Revival of the old practice of printing records in civil suits.

Mr. K. Subba Rao, Maddagiri Municipality.